

Appln No. 09/113,094  
Amdt. Dated April 13, 2004  
Response to Office action of December 18, 2003

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### **REMARKS/ARGUMENTS**

#### ***Specification***

The Applicant submits that the marked up and clean copy of the specification submitted with the response of September 17, 2003, was sent to the USPTO via FedEx. The FedEx tracking number was 8387 7764 5589 and a copy of the FedEx International Airway bill and of the Track Shipments Detailed Results is attached. As the Examiner appears not to have received the necessary documents in our previous response, the Applicant encloses with the confirmation copy of this response a copy of the previously sent (9/17/03) marked up and clean copy substitute specification.

#### ***Claims***

The Examiner rejected claims 1-4. By this amendment, claim 1 has been amended. Therefore claims 1-4 remain pending in the application.

#### ***Claim Rejections – 35 USC §102***

Claims 1 and 3-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel (U.S. Patent 5,668,596) in view of McIntyre et al. (U.S. Patent 5,894,326). The rejection is respectfully traversed.

The Examiner states that the system of Vogel applies color correction (color correction matrix 40) to a second image in rapid succession based on the determined color characteristics (matrix coefficient memory 36) of a first test image as shown in Figure 4 (see col. 6, lines 18-46). The Examiner pointed out that the term "in rapid succession" in Applicant's claim 1 is so broad that it does not define the exact time between the first test image and the second image. Therefore the Examiner concluded that the disclosure of Vogel satisfies the "in rapid succession" limitation of Applicant's claim 1.

The above procedure described in Vogel applies to a calibration of a camera in a "production or service environment". See, e.g., col. 6, lines 34-37: "In the production environment, optical sub-assemblies 20 can be fabricated, calibrated and stocked for later integration into the final product 10 without the need for calibrating the final product." Therefore it is clear that the test images of Vogel may be captured during a calibration procedure before a camera is even assembled, and the second images of Vogel are captured later in the final camera product.

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By the present amendments, the applicant has therefore attempted to further distinguish the automated, in-camera color correction of the present invention from the calibration procedure of Vogel. First, the present amendments to claim 1 specify that the first and second images of the present invention are sensed by the same user of the camera. Second, the present amendments to claim 1 specify that the scene that is sensed in the second image is the same scene that is sensed in the first image. Thus, for example, if a user of the hand held camera intends to take a picture of a landscape, the method of claim 1 means that the user senses a first image of the landscape and the camera then processes the first image to determine color characteristics of the landscape image. Then, in rapid succession, the same user takes a substantially identical picture *of the same landscape* by sensing a second image of the landscape. The second image of the landscape is then color corrected based on the determined color characteristics of the first image of the landscape.

Neither Vogel nor McIntyre disclose or fairly suggest such a method of a single user sensing two images of the same scene in rapid succession.

The Applicant submits that the Examiner's remaining rejections to dependent claims 2-4 are now moot in light of the present amendment to claim 1. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,

Applicant:



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	10:22 am	Delivery attempt	Customer not available or Business closed
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